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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/663,908 | 09/17/2003 | Juha T. Harju | 089229.00100 | 2638 |
| 32294 7590 08/20/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182 | | | EXAMINER WENDELL, ANDREW | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2618 | |
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| | | | 08/20/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,908

Applicant(s)

HARJU ET AL.

Examiner

Andrew Wendell

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/26/2007 has been entered.

Priority

2. It is noted that this application appears to claim subject matter disclosed in prior Application No. 20030998, filed 7/02/2003. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November

Art Unit: 2618

29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its

inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino et al. (US Pat Appl# 2002/0098839) in view of Dean (US Pat# 6,201,802).

Regarding claim 1, Ogino et al. method for measurement transmitting time offset of base station teaches receiving signals GPS Signal (Fig. 4) from a location system external to a network (Satellite) for determining a location of a network survey device, the method being used for performing a network survey for a radio telecommunications network comprising two or more base stations (Sections 0113); locating the network survey device at a first location and, with the network survey device at the first location 431 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128, and 0136), receiving signals from a first base station 41 and P1 (Fig. 4) of the network at the first location 431 (Fig. 4) by means of the network survey device 430 (Fig. 4), thereby measuring synchronization (time offset) of said first base station relative to a reference time-frame determined from the location

system (Sections 0039-0045 and 0008-0009); and the network survey device at a second location 432 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128, and 0136) and, with the network survey device at the second location, receiving signals from the first base station P2 (Fig. 4) at the second location by the means of a network survey device, thereby measuring synchronization of said first base station relative to the reference time-frame (Sections 0039-0045 and 0008-0009), recording a measurement result at the first location and the second location (Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136). Ogino et al. fails to teach a receiving signal for determining its location.

Dean's method for analyzing base station timing teaches moving the network survey device (Col. 6 lines 27-36) and receiving signals for determining its location (Col. 7 lines 22-29); and recording a measurement result at the first location and the second location (Col. 6 lines 27-36). Also, Dean teaches performing a network survey 100 (Fig. 4) for a radio telecommunications network comprising two or more base stations 8 and 10 (Fig. 4).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a receiving signal for determining its location as taught by Dean into Ogino et al. method for measurement transmitting time offset of base station in order to have a comprehensive and precise method of measuring base station timing (Col. 4 lines 51-57).

Regarding claim 2, the combination including Ogino et al. teaches comparing results of measurements at the first and second locations with pre-determined network management criteria (Sections 0008 and 0009).

Regarding claim 3, the combination including Dean teaches modifying a configuration of the network based upon the results of the comparison (Col. 10 lines 30-37).

Regarding claim 4, the combination including Dean teaches receiving the signals from the location system, which comprises a satellite location system and the signals from satellites of the system are received for determining the location of the network survey device (Col. 7 lines 22-29).

Regarding claim 5, the combination including Dean teaches receiving the signals from the location system, which comprises the Global Positioning System (Col. 7 lines 22-29).

Regarding claim 6, the combination including Dean teaches recording visibility of the satellites and quality of the signals of the satellites by means of the network survey device (Col. 7 lines 22-29).

Regarding claim 7, the combination including Dean teaches measuring a quality and a signal level of the signal received from the first base station (Col. 9 lines 44-61).

Regarding claim 8, the combination including Dean teaches receiving signals from a second base station of the network by means of the network survey device in the first and second locations; and synchronizing (timing) the second base station relative to the reference time-frame (Fig. 6).

Regarding claim 9, Ogino et al. teaches a first receiving means 431 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136) for receiving signals from base stations 41 (Fig. 4, even though it shows one base station, figure 1 shows multiple base stations 131-133); second receiving means 432 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136) for receiving a reference time-frame signal GPS Signal (Fig. 4 and Section 0039); and first measuring means 430 (Fig. 4) for measuring synchronization (time offset) of base stations relative to a reference time-frame (Sections 0039-0045 and 0008-0009); and recording means for recording a measurement result at the first location and the second location (Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136). Ogino et al. fails to teach clearly receiving signals from base stations.

Dean teaches a first receiving means 100 (Fig. 4) for receiving signals from base stations 8 and 10 (Fig. 4); and recording means for recording a measurement result at the first location and the second location (Col. 6 lines 27-36).

Regarding claim 10, the combination including Dean teaches a second measuring means for measuring the synchronization (timing) of at least one base station relative to another base station (Fig. 6).

Regarding claim 11, claim 11 is rejected for the same reason as claim 9 since the recited elements would perform the claimed steps.

Regarding claim 12, Ogino et al. teaches receiving signals from a location system GPS Signal (Fig. 4) external to a network for determining a location of a network survey device, the method being used for performing a network survey for a radio telecommunications network comprising two or more base stations (Sections 0113); locating the network survey device at a first location and, with the network survey device at the first location 431 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136); receiving signals from at least one of a plurality of base stations 131-133 (Fig. 1) at the first location 431 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136) by means of the network survey device 430 (Fig. 4), thereby measuring synchronization (Time offset) of said at least one base station of said plurality of base stations relative to a reference time-frame GPS signal (Fig. 4) determined from the location system (Sections 0039-0045 and 0008-0009); and the network survey device at a second location 432 (Fig. 4, Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136) and, with the network survey device at the second location, receiving signals from said at least one base station 41 (Fig. 4) of said plurality of base stations at the second location by the means of a network survey device, thereby measuring synchronization (time offset) of said at least one base station of said plurality of base stations relative to the reference time-frame (Sections 0039-0045 and 0008-0009); and recording a measurement result at the first location and the second location (Section 0042

"separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136). Ogino et al. fails to teach receiving signal for determining its location and receiving signals from a plurality of base stations.

Dean's method for analyzing base station timing teaches moving the network survey device (Col. 6 lines 27-36), receiving signals for determining its location (Col. 7 lines 22-29), and receiving signals from a plurality of base stations 8 and 10 (Fig. 4); and recording a measurement result at the first location and the second location (Col. 6 lines 27-36). Also, Dean teaches performing a network survey 100 (Fig. 4) for a radio telecommunications network comprising two or more base stations 8 and 10 (Fig. 4).

Regarding claim 13, the combination including Ogino et al. teaches comparing results of measurements at the first and second locations with pre-determined network management criteria (Sections 0008 and 0009).

Regarding claim 14, the combination including Dean teaches modifying a configuration of the network based upon the results of the comparison (Col. 10 lines 30-37).

Regarding claim 15, the combination including Dean teaches wherein locating the network survey device at the first location comprises receiving the signals from said plurality of base stations, and moving the network survey device to the second location comprises receiving the signals from said plurality of base stations (Col. 9 line 18-Col. 10 line 29).

Regarding claim 16, the combination including Dean teaches wherein moving the network device to the second location comprises receiving the signals from a first base

station and from at least one neighboring base station of the network (Col. 9 line 18-Col. 10 line 29).

Regarding claim 17, the combination including Dean teaches wherein moving the network device to the second location comprises receiving the signals from a first base station of the network and at least one base station associated with another telecommunications network (Col. 9 line 18-Col. 10 line 29).

Regarding claim 18, the combination including Ogino teaches a second measuring unit configured to measure the synchronization of at least one base station relative to another base station (Sections 0113-0116).

Response to Arguments

| Applicant's Remarks | Examiner's Response |
|---|---|
| "Each of claims 1, 9, 11 and 12, in part, recites recording a measurement result at the first location and the second location. Ogino does not disclose or suggest this feature. Consequently, Ogino does not teach or suggest a method or device to enable the creation of a network survey as recited in claims 1, 9, 11 and 12." | Ogino teaches a recording a measurement at the first and second location (Section 0042 "separate locations (observation points)," or Sections 0009-0010, 0074, 0080, 0086, 0113, 0128 "offset storage device", and 0136). In most of the sections it teaches taking measurements at different (plurality) locations. Specifically in sections 0128 and 0136 it teaches recording (offset storage or database) these plurality of measurements |

Art Unit: 2618

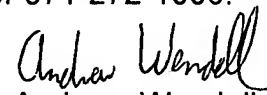
| | |
|--|-------------------------------------|
| | at different (plurality) locations. |
|--|-------------------------------------|

Conclusion

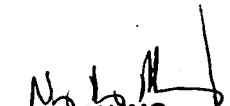
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Andrew Wendell
Examiner
Art Unit 2618

8/2/2007


NAY MAUNG
SUPERVISORY PATENT EXAMINER